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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,834	01/10/2002	Charles Bailey Neal	RCA 89633	2357
7590 09/06/2006				
Joseph S Tripoli Thomson Multimedia Licensing Inc PO Box 5312 Princeton, NJ 08543-5312			EXAMINER TRAN, TRANG U	
			ART UNIT 2622	PAPER NUMBER

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/030,834	Applicant(s) NEAL, CHARLES BAILEY	
	Examiner Trang U. Tran	Art Unit 2622	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-8.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.


 Trang U. Tran
 Primary Examiner
 Art Unit: 2622

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed August 17, 2006 have been fully considered but they are not persuasive.

In re pages 6-7, applicant argues that neither Han nor Fujimoto, whether taken individually or in combination, teach or suggest, inter alia, the ability to provide an OSD or graphics signal in more than one color format, as claimed. In formulating the instant rejection, the examiner relies on Han for allegedly disclosing a "data converter 51 capable of providing the OSD signal in any one of a first and second color signal formats". However, Han's data converter 151 is not capable of providing signals in more than one color format.

In response, examiner respectfully disagrees.

Han discloses in col. 2, lines 11-15 that

"FIG: 1 shows a preferred embodiment of a HDTV video processor according to the present invention including a data receiver 1 processing and outputting a digital TV (DTV) video data, NTSC or VGA video data having different color formats, the format information and various control signal",

in col. 3, lines 11-19 that

"As shown in FIG. 3, the OSD processor 15 also further includes a data converter 151 which receives and converts the OSD data output from the memory interface 13 into a uniform format and output from the memory interfacers 13 into a uniform format and outputs a control signal to output the data into the selected OSD receiver; and a multiplexer (MUX) 153 which **overlays the converted data from the format converter 14 with the OSD data output from the data converter 151 according to the control signal from the data converter 151**",

in col. 4, lines 18-27 that

Art Unit: 2622

"The format converter 14 receives the DTV or the NTSC/VGA video data through the memory interlacer 13 and converts the input format of the data to the designated output format according to the display and video format output by the host interlacer 112. Specifically, the format converter 14 receives the DTV or NTSC/VGA video data having a YCbCr color format of 4:4:4, 4:2:2, or 4:2:0 and outputs a converted video data having a uniform YCbCr color format of 4:4:4", and

in col. 4, lines 37-48 that

"The OSD processor 15 receives the converted data from the format converter 14 and overlays both the DTV or NTSC/VGA images with the OSD data stored in the memory 12. As shown in FIG. 3, the data converter 151 outputs the memory access signal to the memory interlacer 13 and reads the OSD data stored in the memory 12. The data converter 151 converts the read OSD data having a YCbCr color format of 4:4:4, 4:2:2, or 4:2:0 into one uniform YCbCr color format of 4:4:4 and outputs the converted data to the MUX 153. The data converter 151 also generates a control signal to the MUX 153 for outputting the OSD data to the OSD location".

From the above passages, the data receiver 1 of Han can select one of the first and second video signal sources (DTV or NTSC/VGA) and provides a selected video signal for processing, the video being representative of a video program and formatted in accordance with one of a first color signal format and a second color signal format (4:4:4, 4:2:2, or 4:2:0) and the data converter 151 of Han generates an On Screen Display (OSD) signal for forming a graphics display that is overlaid onto one of the first and second programs, the data converter 151 capable of providing the OSD in any one of the first and second color formats (read the OSD data stored in the memory 12 having a YCbCr color format of 4:4:4, 4:2:2, or 4:2:0), wherein the generated OSD is formatted in accordance with a selected one of the first and second color format that corresponds to a color format associated with the selected video signal (converting the read OSD data having a YCbCr color format of 4:4:4, 4:2:2, or 4:2:0 into one uniform YCbCr color format of 4:4:4). Thus, the claimed "means for generating an On Screen Display (OSD) signal for forming a graphics display that is overlaid onto one of the first and second video programs...that corresponds to a color format associated with the selected video signal" is anticipated by the data converter 151 of Han.

In re page 7, applicant argues that claim 3 is patentably distinguishable over the combination of Han, Fujimoto and Susumu Imai because Susumu Imai fails to teach or suggest, inter alia, the ability to provide an OSD or graphics signal in more than one color format, as claimed in the independent claims 1 and 6.

In response, Han does indeed disclose all the limitations of the independent claims 1 and 6 as discussed above.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 1, 2006



Trang U. Tran
Primary Examiner
Art Unit 2622